

PROCEEDINGS OF A MEETING OF THE VILLAGE BOARD OF TRUSTEES
September 13, 2011 – 7:00 PM

Present

Mayor: Robert C. Corby
Trustees: Paula Sherwood
Lorie Boehlert
Tim Galli
Trip Pierson – Arrived at 7:15
Treasurer: Mary Marowski
Building Inspector: Skip Bailey
DPW: Doug Yaeger and Rob Harter
Recording Secretary: Anne Hartsig

CALL TO ORDER

A **motion** was made by **Mayor Corby**, **seconded by Trustee Sherwood**, to call the meeting to order at 7:03 P.M.

Vote: Corby – yes, Galli – yes, Sherwood – yes, Boehlert – yes. **Motion carried.**

DPW REPORT – DOUG YAEGER

Mr. Yaeger presented a written report on the Sutherland Street surface treating project which included the proposed costs and time schedule. Trustees said the residents of Sutherland Street will have to be notified by letter about this project. It was also noted that due to budgetary constraints, the road projects for Rand Place extension and for Wood Street would be deferred until the spring. Trustee Galli stated that residents of both streets must be notified of the change in plans because they were previously told that the projects would take place this fall.

Mayor Corby will walk the village with Mr. Yaeger to look at trees to see if trimming and/or removal is needed. He said a list of the new trees that were planted this year is needed to update the Village's tree inventory.

The DPW crew will take the flower baskets down and empty the urns at the Four Corners. Trustee Sherwood thanked the DPW for checking the inventory of wreaths and holiday lights.

Trustee Sherwood mentioned that Instant Signs in East Rochester will make up street signs following DOT regulations. Town Official Paul Schenkel said that the Town also has the capability to make street signs. The Village had one set made but they were incorrect. Mr. Yaeger is waiting to see if a replacement set of signs will be provided.

Trustee Boehlert thanked Mr. Yaeger and Mr. Harter for their participation in the dedication of Remembrance Park on 9/11. Mayor Corby stated that the park looks terrific. Trustee Pierson said the plaque looked nice and served the purpose given the time constraint and the cost but his preference would be to invest in a metal sign in the future. He complimented Trustee Galli on the meaningful speech he delivered at the ceremony. All members concurred.

Trustee Boehlert stated that the DPW is on new ground following the resignation of former Superintendent John Cufari. She invited the crew to attend the Board meetings and to keep an open door of communication with the Board of Trustees.

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Other public works issues that were discussed included conversation about the Village's approach to sidewalk replacement decisions. Trustee Boehlert said she plans to set up Excel spreadsheets for each village street to track trees, sidewalks, street repairs etc. Mr. Bailey noted that new sidewalks should contain steel mesh for strength. Trustee Galli said that the Village should have specs for sidewalks so that they are installed correctly.

Trustee Galli mentioned that on the corner of Jefferson Road and South Main Street, a new gas line was installed. A new sidewalk was also installed. The sidewalk is now cracked and workers left rubble at the site. Mr. Yaeger will look into it.

DOS GRANT #C006861 – POP AND SCHOEN PLACE IMPROVEMENT PROJECT

Landscape Architect Doug McCord reported on the bidding process for the Port of Pittsford Park project (POP) and the Schoen Place Improvement Project. There were no bids received for the POP project. The three bids received for the Schoen Place project had similar numbers but all were higher than projected. Trustee Galli said that before any bid is awarded, he wants to understand what the total cost of the project will be. He asked for a recap of the grant money. The total amount of money including matching funds is \$638,000. The intermunicipal agreement with the Town of Pittsford states what portion of that money the Town will use and what portion the Village will use.

Mr. McCord reminded the Board about the 2009 Monroe County CDBG grant that was awarded to the Village. He said it is possible that money could be used as matching funds for the Schoen Place sidewalks and curbs. He will look into whether or not that is possible.

Mr. McCord said that since no bids were received for the POP project, it would need to be rebid. After discussions with the NYS Canal Corporation and with some of the contractors who expressed interest, it was decided that the bid package should be divided into two separate bids, one for the docks and one for the band shelter. He would like to advertise and rebid these projects as soon as possible. Therefore, a **motion** was made **by Mayor Corby, seconded by Trustee Sherwood** to advertise for bids for the POP projects and to schedule a bid opening for October 13, 2011.

Vote: Corby – yes, Galli – yes, Sherwood – yes, Boehlert – yes, Pierson – yes. **Motion carried.**

PUBLIC HEARING – SPECIAL PERMIT – BIKRAM YOGA

Aaron Fleischer, owner of Bikram Yoga on Grove Street is requesting a special permit to operate a juice bar with the existing yoga studio. He said the juice bar would be for the use of his clients and is not anticipating walk in traffic. He showed photos of the proposed juice bar. He said he plans to have six seats around and three stools.

Proof of the legal notice below having been published, a **motion** was made **by Mayor Corby, seconded by Trustee Sherwood**, to open the public hearing.

Vote: Corby – yes, Galli – yes, Sherwood – yes, Boehlert – yes, Pierson – yes. **Motion carried.**

Please take notice that a Public Hearing will be held before the Village of Pittsford Board of Trustees, at a meeting on Tuesday, September 13, 2011 at 8:00 PM at the Village Hall, 21 North Main Street, Pittsford, NY, to consider an application made by Aaron Fleischer, for a Special Permit to allow the operation of a small juice bar within an existing yoga studio which is located in the Old Pickle Factory building on Grove Street in the Village of Pittsford, NY, which location is in the M-1 District. The application for a Special Permit is pursuant to Chapter 210-74 A (2), Special Permit Uses in B-1, B-1A, B-2, B-4 and M-1 Districts.

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Mayor Corby explained that input is desired from the PZBA before the Board of Trustees renders a decision. Mr. Fleischer is on the agenda and will attend the PZBA meeting on September 26th. Members will hold a special meeting to continue this public hearing on September 27th at 7:00 PM to allow time to receive comments from the PZBA.

PUBLIC HEARING – CORRECTION OF CHAPTER NUMBER FOR LOCAL LAW #5

Local Law #5 of 2011, a law that amended Chapter 161, Schoen Place Waterfront Park was adopted by the Board of Trustees on June 28, 2011. Due to a typo, when the legal notice was published, an incorrect chapter number was listed. The law was passed and filed with the incorrect chapter number. Upon advice from legal counsel at NYCOM, republication and a new public hearing must be held to correct the error.

Proof of the legal notice below having been published, a **motion** was made by **Mayor Corby, seconded by Trustee Boehlert**, to open the public hearing.

Vote: Corby – yes, Galli – yes, Sherwood – yes, Boehlert – yes, Pierson – yes. **Motion carried.**

*Please take notice that a Public Hearing will be held before the Village of Pittsford Board of Trustees on Tuesday, September 13, 2011 at 8:00 PM at the Village Hall, 21 North Main Street, Pittsford, NY. This public hearing is a result of a chapter identification error found in Local Law #5 of 2011, which law amended **Chapter 161 Schoen Place Waterfront Park (Erie Canal Park)** and which law was adopted by the Village Board of Trustees on June 28, 2011. The correct chapter identification is as follows:*

Amend Chapter 161 Schoen Place Waterfront Park (Erie Canal Park)

Add:

161-2 A (9) (a) Smoking (defined as the burning of a lighted cigar, cigarette, or pipe, or any other matter or substance which contains tobacco) is prohibited on Park property, including parking areas and sidewalks adjacent to such property.

(b) Notice of prohibitions contained in this subsection shall be conspicuously posted by signs stating “No Smoking Permitted Beyond This Point” or “No Smoking Permitted On This Property,” and shall reference the applicable Code provision.

(10) Littering in the Park is prohibited.

The Clerk reported that no public comments had been received. There being no one present wishing to speak for against the re-adoption of this local law with the correct chapter identification, a **motion** was made by **Mayor Corby, seconded by Trustee Sherwood**, to close the public hearing.

Vote: Corby – yes, Galli – yes, Sherwood – yes, Boehlert – yes, Pierson – yes. **Motion carried.**

A **motion** was made by **Trustee Pierson, seconded by Trustee Boehlert**, to approve the re-adoption of Local Law #5 of 2011 with the corrected chapter number.

Vote: Corby – yes, Galli – yes, Sherwood – yes, Boehlert – yes, Pierson – yes. **Motion carried.**

TREASURER’S REPORT – MARY MAROWSKI

EAP Contract: The contract for the Employee Assistance Program has expired. Members discussed the value of this employee benefit and reviewed the proposed contract renewal and the

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invoice for the new contract. Clarification of the invoice is needed. Trustees advised the Treasurer to pay the invoice once the correct amount has been established. A **motion** was made by **Trustee Galli, seconded by Mayor Corby**, to approve the renewal of a three year EAP contract with the Catholic Family Center and to authorize Mayor Corby to sign the contract.

Vote: Corby – yes, Galli – yes, Sherwood – yes, Boehlert – yes, Pierson – yes. **Motion carried.**

The Treasurer presented vouchers listed on Abstract #005 of 2011/12 fiscal year for approval. A **motion** was made by **Trustee Galli, seconded by Trustee Pierson**, to approve payment of vouchers listed on Abstract #005 in the amounts stated below and to charge them to the appropriate accounts, with the exception of voucher #166 (\$1182.00) for the Catholic Family Center EAP contract, which was withdrawn pending contract clarification in reference to the number of employees eligible for services.

Abstract #005 – 2011/12	General Fund (#156-#165, #167-#210):	\$44,709.18
	Sewer Fund (#178, #198):	\$ 96.51
	Grant #C006861 (#187)	<u>\$ 2,886.02</u>
Total vouchers for approval:		\$ 47,691.71

VOTE: Corby–yes, Galli – yes, Sherwood–yes, Boehlert–yes, Pierson - yes, **Motion carried.**

Microfilming quote

Records Clerk Terry Robins obtained a quote for microfilming services from HOV Services to continue the filming of village documents for archival purposes. She has prepared 12,004 pages of documents and 369 maps for filming. A **motion** was made by **Mayor Corby, seconded by Trustee Sherwood** to approve the quote for microfilming village records in the amount of \$1362.00

VOTE: Corby–yes, Galli – yes, Sherwood–yes, Boehlert–yes, Pierson - yes, **Motion carried.**

Bank Balances and budget highlights: The Treasurer reviewed and discussed the bank balances and budget highlights with the Board of Trustees.

BUILDING INSPECTOR’S REPORT – SKIP BAILEY

Mr. Bailey presented a list of violation notices that had been issued per the request of Trustee Sherwood. Trustee Boehlert asked what the next step would be if the violations were not corrected. It was decided that if the violations were not corrected by September 16th, the Board authorized Mr. Bailey to issue appearance tickets to the violators.

Mr. Bailey reported that The New York State DOS confirmed that the building at 5 State Street is considered an existing building despite having undergone major structural repairs, per the Existing Building Code of New York State.

Mr. Bailey informed the Board of ongoing, completed, or proposed construction projects at 5 State Street, 32 Rand Place, 20 and 22 Boughton Avenue, 11 Stonegate Lane and 8 Rand Place.

It was noted that there is a flashing neon sign in the window of Pittsford Tailors. It is a new and bigger sign. Mr. Bailey will look into it.

TEMPORARY SIGN REQUEST – PITTSFORD NURSERY SCHOOL

A **motion** was made by **Trustee Pierson, seconded by Trustee Galli**, to approve the request of Pittsford Nursery School to place two a-frame signs in the village, one on the SW corner of the

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Four Corners and one on the SW corner of South Street and State Street. The signs may be placed on September 19th and removed on September 26th.

VOTE: Corby–yes, Galli – yes, Sherwood–yes, Boehlert–yes, Pierson - yes, **Motion carried.**

TEMPORARY SIGN REQUEST – FRIENDS OF PITTSFORD LIBRARY

A **motion** was made by **Mayor Corby, seconded by Trustee Pierson**, to approve the request made by Friends of the Pittsford Library to install a banner and two A-frame signs as follows:

- Pursuant to Village Code §168-12 A. (1) (d): One banner may be located across the front entrance of the library for a period of 16 days beginning October 7th and ending October 26th.
- Pursuant to Village Code §168-12 A. (2): One sign may be installed on the southwest corner of the Four Corners (former Pendleton shop corner) from October 15th until October 26th, 2011.
- Pursuant to Village Code §168-12 A. (2): One sign may be installed at the intersection of Route 96 and South Street from October 15th until October 26th, 2011.
- The above listed banner and 2 A-frame signs are the **only** approved signs for the advertisement of the semi- annual book sale. **No other auxiliary signs are permitted.**

VOTE: Corby–yes, Galli – yes, Sherwood–yes, Boehlert–yes, Pierson - yes, **Motion carried.**

TRASH HAULING PERMIT APPLICATION

Mr. Bailey received a request from Feher Rubbish Removal Inc. for a permit to haul trash and recycling for commercial accounts within the village. Mr. Bailey told the Board that this company meets all of the requirements of the Village and that the insurance certificates are in order. A **motion** was made by **Trustee Galli, seconded by Trustee Sherwood** to authorize Mr. Bailey to issue a trash hauling permit to Feher Rubbish Removal Inc. with the understanding that all Village requirements have been met.

VOTE: Corby–yes, Galli – yes, Sherwood–yes, Boehlert–yes, Pierson - yes, **Motion carried.**

RESOLUTION #10 – MONROE COUNTY PRE-DISASTER MITIGATION PLAN OF 2010

RESOLUTION #10 of 2011

WHEREAS, Village of Pittsford, with the assistance from **County of Monroe**, has gathered information and prepared the **Monroe County Pre-Disaster Mitigation Plan**; and

WHEREAS, the Monroe County Pre-Disaster Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, Village of Pittsford is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, Village of Pittsford has reviewed the Plan and affirms that the Plan will be updated no less than every five years;

NOW THEREFORE, BE IT RESOLVED by **the Village Board** that **the Village of Pittsford** adopts the **Monroe County Pre-Disaster Mitigation Plan** as this jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

ADOPTED this **13th of September, 2011** at the meeting of the **Village Board**.

A **motion** was made by **Trustee Pierson, seconded by Mayor Corby** to adopt Resolution #10 of 2011 as written.

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VOTE: Corby–yes, Galli – yes, Sherwood–yes, Boehlert–yes, Pierson - yes, **Motion carried.**

OFFICE USE/PARKING COUNT – ATTORNEY TURNER

In the past, the Building Inspector has not counted basement uses in commercial buildings when the use has been determined not to generate the need for additional parking. Attorney Turner was asked to draft added language for the Code which would modify the Table of Minimum required spaces for “office, business, or public use”. Members discussed the draft language and agreed on some changes. Attorney Turner will present the proposal to the Planning Board for input.

ATTORNEY TURNER

Attorney Turner reported on the following issues:

- 21 Lincoln Avenue – The owner has applied to the Zoning Board for a use variance. Mr. Turner will talk to Mike Smith from the Cabot Group about a reasonable rate of return on this property.
- CSX – The new contact from CSX, Nathan Floyd, left a voice message for Mr. Turner. Mr. Turner is continuing to work on the issue of enforcement of illegal parking on the ROW, which has not been resolved.
- RG&E ROW – Mr. Turner had an email from RG&E representative Debra Wegman. Her email confirmed that the rental amount for the right of way is going to be a remission of the village’s portion of the property. However, an amount was not stated.

FCC RADIO LICENSING

Town official Paul Schenkel spoke to the Board of Trustees about the upcoming mandatory “narrowbanding” requirements that must be in place by January 1, 2013. He said that the company *Navitech* will be working with Monroe County to build a new, countywide, trunked radio system. He explained that if the Village participated, they would have their own talk group but that they could also talk to other groups as well. He said the system is very expensive and will cost about \$3000 per truck and \$3.00 per radio. An alternative to this system is the use of mobile radios. Mr. Schenkel wanted the Board to be aware that by the end of 2012, the Village’s radios will be defunct and the Village will be forced to make changes.

Mayor Corby thanked Mr. Schenkel for the information. Mr. Schenkel said he would keep the Trustees informed with any new information regarding *Navitech* and the trunked radio system that the County is implementing.

EXECUTIVE SESSION

A **motion** was made by **Mayor Corby, seconded by Trustee Sherwood**, to enter executive session to discuss a matter of potential litigation.

VOTE: Corby–yes, Galli – yes, Sherwood–yes, Boehlert–yes, Pierson - yes, **Motion carried.**

Having taken no action, a **motion** was made by **Mayor Corby, seconded by Trustee Galli**, to leave executive session and reenter the regular session of the meeting.

VOTE: Corby–yes, Galli – yes, Sherwood–yes, Boehlert–yes, Pierson - yes, **Motion carried.**

HANDBOOK DISCUSSION

Members discussed adding language regarding the use of personal cell phones during work hours to the employee handbook. The Clerk will research language from other villages and write a draft.

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The employee handbook neglects to address the buy out option for health insurance. The Clerk was asked to use the same language that is in the union contract as an amendment to the employee handbook.

The Clerk consulted with Joanne Cammilleri, our Brown and Brown insurance representative, regarding the purchase of Medicare through the Village by retirees who are over 65 and who have served the Village for 15 years. Ms. Cammilleri said that there is currently no set employer contribution so if the Village Board agreed to this policy, it is permitted at this time. The Village would be billed, would be responsible for collecting from the members, and would pay Excellus directly. Ms. Cammilleri said that Excellus will be making revisions in 2012 to the underwriting rules in that new groups would have to contribute.

Board members agreed to add language to the handbook which would allow retirees 65 and older, who have served the Village for a minimum of 15 years, to purchase Medicare supplements through the Village. The Clerk was asked to consult with Brown and Brown representatives to obtain the correct language for the policy.

ENTRANCE SIGN REFURBISHING

Trustee Sherwood obtained quotes to have the entrance signs refurbished. She suggested having three signs refurbished this year. The signs are in need of maintenance. Trustee Pierson agreed that the signs should be on a maintenance schedule but he said that other beautification items would have to be eliminated if the Village had the signs fixed this year. He said the sign maintenance should be a budget item. Members agreed that the beautification categories should be expanded. The Clerk will include this topic on the next regular meeting agenda.

VILLAGE HALL CLEANING PROPOSALS

The Village Clerk obtained three quotes for cleaning services. Members discussed the quotes. A **motion** was made by **Mayor Corby, seconded by Trustee Pierson**, to engage the services of Top Notch Cleaning Service, who submitted the lowest bid.

VOTE: Corby–yes, Galli – yes, Sherwood–yes, Boehlert–yes, Pierson - yes, **Motion carried.**

NON MUNICIPAL USE PERMIT REQUEST – PITTSFORD CREW

The Village Board received a request from Pittsford Crew to hold the annual “Pull the Plug” regatta on the Canal on Sunday, November 6, 2011. Members discussed the event and the conditions of approval that were required from past years. A **motion** was made by **Mayor Corby, seconded by Trustee Sherwood**, to approve the request of Pittsford Crew for a nonmunicipal use permit to hold the annual “Pull the Plug” regatta in the village on November 6, 2011, with the following conditions of approval:

1. The applicant will contact the Monroe County Sheriff’s Department, the Pittsford Fire Department and the Pittsford Volunteer Ambulance prior to your event.
2. The applicant is required to provide the Village with a copy of a Certificate of Insurance naming the Village of Pittsford as additional insured on a primary and noncontributory basis. The certificate must reflect a \$1,000,000 single limit of liability for bodily injury and property damage. This certificate must be current and on file in the Office of the Village Clerk prior to the event.
3. The applicant shall contact Interim DPW Superintendent Doug Yaeger to coordinate details of the regatta including specific location and time.
4. The applicant shall contact the landlords in the surrounding area to get permission to use their parking space.

VOTE: Corby–yes, Galli – yes, Sherwood–yes, Boehlert–yes, Pierson - yes, **Motion carried.**

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PITTSFORD GARDEN CLUB DAFFODIL PROPOSAL

The Village Board received an offer from Pittsford Garden Club to plant daffodils in the gardens at the intersection of Washington Road and North Main Street. Members agreed that the flowers are beautiful when they are in bloom. However, DPW time constraints makes maintenance of the bulbs difficult once they have stopped blooming. Trustee Sherwood was authorized to discuss this offer with members of Pittsford Garden Club. She will report back to the Board.

MEMBER ITEMS

Newsletter: Trustee Sherwood asked if the Board wished to send a fall newsletter. The publication time was discussed as well as topics that could be included. Trustee Sherwood noted that members must be committed to the deadline dates for submission of articles. She asked for ideas by the end of this week.

Holiday Decorations: Trustee Sherwood said that an inventory of supplies has been conducted. Members discussed the removal of the large tree from the front yard at the Village Hall. The tree is diseased and can't be saved. Possible locations for the official village Christmas tree were discussed.

Letter of Thanks: Mayor Corby will write a letter to former Superintendent John Cufari to thank him for his service to the Village.

Event signs: Mayor Corby will request a list of Town events from the Supervisor so that temporary signs for those events can be scheduled according the Village policy.

Cancer Awareness Event: A cancer awareness event sponsored by the Cancer Services Program of Monroe County will be held in the village during the month of October. Businesses that wish to participate will be given materials to distribute at their store. A request was made to display pink balloons around the village for the kick off event. Board members determined that the balloons are considered fluttering devices, which are prohibited by the Village Code.

MINUTES

June 23, 2011: A **motion** was made by **Trustee Sherwood, seconded by Trustee Boehlert**, to approve these minutes as written.

VOTE: Corby–yes, Galli – yes, Sherwood–yes, Boehlert–yes, Pierson - yes, **Motion carried.**

August 5, 2011: A **motion** was made by **Mayor Corby, seconded by Trustee Boehlert**, to approve these minutes as written.

VOTE: Corby–yes, Galli – yes, Sherwood–yes, Boehlert–yes, Pierson - yes, **Motion carried.**

August 10, 2011: A **motion** was made by **Trustee Boehlert, seconded by Mayor Corby**, to approve these minutes with one spelling correction.

VOTE: Corby–yes, Galli – yes, Sherwood–yes, Boehlert–yes, Pierson - yes, **Motion carried.**

August 31, 2011: A **motion** was made by **Mayor Corby, seconded by Trustee Boehlert**, to approve these minutes as written.

VOTE: Corby–yes, Galli – yes, Sherwood–abstain, Boehlert–yes, Pierson - abstain, **Motion carried.**

ADJOURNMENT

A **motion** was made by **Trustee Pierson, seconded by Trustee Boehlert**, to adjourn the meeting at 10:55 PM.

VOTE: Corby–yes, Galli – yes, Sherwood–yes, Boehlert–yes, Pierson - yes, **Motion carried.**

Anne Z. Hartsig, Recording Secretary

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